

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 CLINTON HECK,

11 Plaintiff,

12 v.

13 BRUCE GAGE et al.

14 Defendants.

CASE NO. C11-5539-BHS-JRC

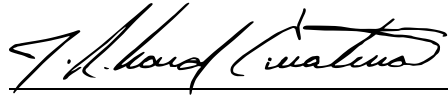
ORDER

15 This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned
16 Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate
17 Judge Rules MJR 1, MJR 3, and MJR 4. On September 20, 2011, Defendants filed a
18 motion to dismiss. The motion is noted for October 14, 2011 (ECF No. 17). Plaintiff
19 then filed an amended complaint on October 7, 2011, seventeen days after defendants
20 filed the motion to dismiss (ECF No 20).

21
22 A plaintiff may amend the complaint once as a matter of course within twenty-one
23 days of a motion to dismiss being filed. Plaintiff's amendment is made pursuant to Fed.
24 R. Civ. P. 15 (a) (1) (B) The Court will not consider the motion to dismiss (ECF No. 17)

1 at this time. If appropriate, defendants may re-file a new motion or proceed as allowed
2 under the federal rules. The Clerk's Office is directed to remove ECF No. 17 from the
3 Court's calendar.

4 Dated this 13th day of October, 2011.

5
6 

7 J. Richard Creatura
8 United States Magistrate Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24